

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	
)	CRIMINAL NO. A-11-CR-118 (SS)
)	
ANDREI DANIEL AVRAM,)	
Defendant.)	

**UNITED STATES'
MOTION TO RESET SENTENCING**

The United States Attorney for the Western District of Texas, by and through the undersigned Assistant United States Attorney files this motion to reset sentencing in this matter and would show the Court as follows:

I.

Sentencing in this case is currently set for 9:00 a.m. Friday, May 20, 2011. The Defendant's guilty plea was entered pursuant to a plea agreement with the Government. That agreement contemplates the Defendant's immediate and continued cooperation. The Defendant has failed to cooperate.

The Government would request that the current sentencing date be continued at least six weeks. The draft pre-sentence report has found that the base offense level should be increased by 8 levels because the loss amount of \$90,158.26 is more than \$70,000 but less than \$120,000. Similarly, the draft pre-sentence report has found that the offense involved 36 victims calling for a two level increase in the offense level.

The Government has reason to believe that a reasonable delay in sentencing in this case will result in an increase in both the loss amount and the number of victims. Specifically, the Government has begun to receive victim impact statements that suggest that the final loss amount will be greater than \$120,000 and involve more than 50 victims. An increase in the loss amount and the number of victims will result in a potential increase of four additional levels to the current offense level set out in the draft pre-sentence report. See, U.S.S.G. § 2B1.1(b)(1)(F) and (b)(2)(B).

The Defendant was part of an elaborate scheme that victimized Americans nationwide. The Defendant and his co-conspirators adopted numerous fictitious identities in order to further their effort to defraud innocent victims. Tying all of the victims together and linking those victims to the scheme with which the Defendant was involved has been time consuming. Moreover, the Defendant has intentionally failed to assist in the Government's effort to identify victims.

A rush to sentence the Defendant will only benefit the Defendant, not the people he harmed. The Government would respectfully request that the current sentencing date be reset for at least six weeks.

Respectfully submitted,

JOHN E. MURPHY
UNITED STATES ATTORNEY

By: /s/MARK LANE
Mark Lane
Assistant United States Attorney
816 Congress Avenue, Suite 1000
Austin, Texas 78701
Office (512) 916-5858
Fax (512) 916-5854

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of May, 2011, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant.

Chris Dorbandt
Chris Dorbandt & Associates
603 W. 12th Street
Austin, TX 78701-1717

/s/MARK LANE
Mark Lane
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

ANDREI DANIEL AVRAM,
Defendant.

)
)
)
)
)
)
)

CRIMINAL NO. A-11-CR-118 (SS)

ORDER

Came on for consideration this day the Government's Motion to Reset Sentencing.

Having considered the grounds for said Motion and the arguments of the parties, the Court is of the opinion that sentencing in this matter should be reset from Friday, May 20, 2011.

It is ORDERED that the United States' motion be GRANTED and that sentencing is reset to _____ o'clock __.m. on the _____ day of _____, 2011.

SIGNED on this the _____ day of _____, 2011.

UNITED STATES DISTRICT JUDGE